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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/441,271	11/16/1999	STEPHAN MEYERS	6064-11	4110

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[REDACTED] EXAMINER

NGUYEN, KEVIN M

ART UNIT	PAPER NUMBER
2674	14

DATE MAILED: 05/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/441,271	MEYERS ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Kevin M. Nguyen	2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 31 March 2003.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2-18 and 23-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 2-18 and 23-45 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

## DETAILED ACTION

1. The amendment filed on 11/5/2001 is entered. The rejections of claims 2-18 and 23-45 are maintained.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 41-43, 45, 2, 3, 6-8, 18, 23-26, 28-37, 39, 40, 9-14 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kopp, Jr. et al. (US 5,810,604) in view of Redford et al (US 6,327,459).

As to claims 41 and 42, Kopp et al teach an electronic book 1 associate a method of viewing information, the electronic book comprising a cover 2A and 2B, dotted lines 9 indicating which of various membrane switches 11 in a MYLAR membrane switch assembly 10 correspond to the various indicia 12 on a one-a one basis (figure 1, col. 4, lines 26-28); Row conductors 33 and column conductors 34 in MYLAR membrane switch assembly 10 sense the closing of such membrane switch 11. Row conductors 33 and column conductors 34 are connected to an integrated circuit sound/voice chip 41 (FIG. 10, col. 4, lines 42-44). Kopp fails to teach if the indication of first electronic code is associated with the indication of second electronic code then the electronic display is unlocked. However, Redford et al teach a related electronic binder 500 (electronic cover) which includes a front cover 511, a back cover 512, array of

discrete switches including in the cover (figure 5A, col. 17, lines 3-12). During the mounting, a bar code pattern 521I printed on second portion 521B is read by identity reader 516 (a cover containing an indication of a second electronic code as claimed), thereby to determine a number that identifies insert 520. The base 510 operates the appropriate storage media containing the to-be-displayed information (figure 5J, col. 18, lines 26-29) is packaged with insert 520 or that base 510 includes a memory pre-programmed with an identity code (an electronic book including electronic circuitry and an indication of a first electronic code as claimed, figure 5A, col. 17, lines 32-40). It would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the code taught by Redford et al in Kopp's electronic book because this would provide a physical size, light weight, low cost and easily manufacturable electronic book (col. 2, lines 1-3 and lines 7-9 of Kopp).

As to claims 2 and 18, Redford et al teach a cover including an integrated circuit chip 41 (FIG. 3D, col. 13, lines 27-30).

As to claims 3 and 43, Redford et al teach a bar code pattern 521I printed on second portion 521B being read by identity reader 516 that determine a number that identifies insert 520 (a cover containing an indication of a second electronic code as claimed, figure 5J, col. 18, lines 26-29).

As to claims 6-8 and 45, Redford et al teach a cover 512 which are wireless connection (col. 18, lines 20-25).

4. As to claim 23, Kopp et al teach an electronic book 1 associate a method of viewing information, the electronic book comprising a cover 2A and 2B, dotted lines 9

indicating which of various membrane switches 11 in a MYLAR membrane switch assembly 10 correspond to the various indicia 12 on a one-a one basis (figure 1, col. 4, lines 26-28); Row conductors 33 and column conductors 34 in MYLAR membrane switch assembly 10 sense the closing of such membrane switch 11. Row conductors 33 and column conductors 34 are connected to an integrated circuit sound/voice chip 41 (FIG. 10, col. 4, lines 42-44). Kopp fails to teach if the indication of first electronic code is associated with the indication of second electronic code then the electronic display is unlocked. However, Redford et al teach a related electronic binder 500 (electronic cover) which includes a front cover 511, a back cover 512, array of discrete switches including in the cover (figure 5A, col. 17, lines 3-12). During the mounting, a bar code pattern 521I printed on second portion 521B is read by identity reader 516 (a cover containing an indication of a second electronic code as claimed), thereby to determine a number that identifies insert 520. The base 510 operates the appropriate storage media containing the to-be-displayed information (figure 5J, col. 18, lines 26-29) is packaged with insert 520 or that base 510 includes a memory pre-programmed with an identity code (an electronic book including electronic circuitry and an indication of a first electronic code as claimed, figure 5A, col. 17, lines 32-40). It would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the code taught by Redford et al in Kopp's electronic book because this would provide a physical size, light weight, low cost and easily manufacturable electronic book (col. 2, lines 1-3 and lines 7-9 of Kopp).

As to claim 9, Kopp et al teach the cover 2 coupling to electronic book 1 via membrane switches (figure 2).

As to claim 10-12, Redford et al teach the cover 401 that physically attaches to electronic book by a switch 405 (figure 4D, col. 16, line 56-57).

As to claims 13 and 14, Redford et al teach base 32 including a memory (col. 13, line 5-6).

As to claim 16, Redford et al teach a cover has a surface and displayed on the surface is material (col. 18, lines 26-29).

As to claim 17, Redford et al teach a cover is a binder (figure 5).

As to claim 24, Redford et al teach during the removing, a bar code pattern 521I printed on second portion 521B is not read by identity reader 516, undetermined a number that identifies insert 520. The base 510 blocks the appropriate storage media containing the to-be-displayed information (figure 5J, col. 18, lines 26-29).

As to claims 25 and 40, Redford teaches a cover including an integrated circuit chip 41 (FIG. 3D, col. 13, lines 27-30).

As to claim 26, Redford teaches a bar code pattern 521I printed on second portion 521B being read by identity reader 516 that determine a number that identifies insert 520 (a cover containing an indication of a second electronic code as claimed, figure 5J, col. 18, lines 26-29).

As to claim 28, Redford et al teach the cover is a sheet of paper (abstract).

As to claims 29-31, Redford teaches a cover 512 which are wireless connection (col. 18, lines 20-25).

As to claims 33-35, Redford et al teach the cover 401 that physically attaches to electronic book by a switch 405 (figure 4D, col. 16, line 56-57).

As to claims 36-37, Redford et al teach base 32 including a memory (col. 13, line 5-6).

As to claim 39, Redford et al teach a cover has a surface and displayed on the surface is material (col. 18, lines 26-29).

**5. Claims 4, 5, 44 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kopp et al in view Redford et al as applied to claims 41, 42 and 23, and further in view of Post et al (1997 IEEE).**

As to claims 4, 5, 44 and 27, Kopp et al and Redford et al teach all of the claimed limitations of claims 41, 42 and 23, except for a cover is fabric or paper. However, Post et al teaches a smart fabric having a circuit fabricated (figure 2, page 168). It would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize a smart fabric taught by Post et al in Kopp et al's and Redford et al's electronic book because this would allow the user to the applicable of a fabric or paper cover with build in an IC chip.

**6. Claims 15 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kopp et al in view Redford et al as applied to claims 41 and 23, and further in view of Munyan (US 5,761,485).**

As to claims 15 and 38, Kopp et al and Redford et al teach all of the claimed limitation of claims 41 and 23, except for integrated circuit is web server and the electronic book includes a web browser and the cover couples to the electronic book by

the web browser communicating with the web server. However, Munyan teaches the Personal Electronic Book 1 having a remote server, one-line bookstore (col. 5, lines 59-65). It would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize a remote server taught by Munyan in Kopp et al's and Redford et al's electronic book because this would access one-line database service for later display by a user (col. 4, lines 64-67 of Munyan).

### ***Response to Arguments***

7. Applicant's arguments filed 4/4/2003 have been fully considered but they are not persuasive.

In response to applicant's argument that Redford et al and Kopp et al do not teach every element of claim 41 and claim 42 (page 3, lines 19-20), claim 23 (page 5, lines 7-10). This argument is not persuasive because Redford et al and Kopp et al teach every element of claim 41 and claim 42. Kopp et al teach an electronic book including a cover (figure 1, column 4, lines 26-28). Redford et al teach a related electronic book including a display (text T1-T7, photograph P1-P3, see figure 5K, column 20, lines 26-39), a cover (511, 512) having a second code (516), an electronic book (leaves 522A-522N) having a first code 521I (see figure 5A, 20-41), the electronic display (text T1-T7, photograph P1-P3, see figure 5K) is unlocked (column 18, lines 14-16).

Redford et al and Kopp et al teach every element of claim 23 "coupling to the electronic book (leaves 522A-522N) a cover (511, 512) containing an electronic code (516); determining whether the electronic code (516) in the cover is related to a code (521I) in the information; and displaying the information in the display (text T1-T7,

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photograph P1-P3) only (see figure 5K) if the code pattern 521I in a cover (511, 512) is related to the code in the information."

In response to applicant's argument that claims 41 and 42 recite "wherein if said indication of first electronic code is associated with said indication of said second electronic code then said electronic display is unlocked." This argument is not persuasive because Redford et al's invention teach "during the mounting, a bar code pattern 521I printed on second portion 521B is read by identity reader 516, the appropriate storage media containing the to-be-displayed information is packaged with insert 520 (column 17, lines 32-33 and lines 37-39). A graphic icon indicates to be touched to identify the leaves that are currently laid open (unlock)(column 18, lines 14-16) an electronic book (column 20, lines 26-39)," meaning that if said indication of first electronic code (516) is associated with said indication of said second electronic code (521I) then said electronic display (text T1-T7, photograph P1-P3, see figure 5K) is unlocked.

In response to applicant's argument that claim 23 recite "displaying said information in said display only if said electronic code in said cover is related to said code in said information." This argument is not persuasive because Redford et al's invention teach "during the mounting, a bar code pattern 521I printed on second portion 521B is read by identity reader 516, the appropriate storage media containing the to-be-displayed information is packaged with insert 520 (column 17, lines 32-33 and lines 37-39). A graphic icon indicates to be touched to identify the leaves that are currently laid open (unlock)(column 18, lines 14-16) an electronic book (column 20, lines 26-39),"

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meaning that displaying the information in the display (text T1-T7, photograph P1-P3) only (see figure 5K) if the code pattern 5211 in a cover (511, 512) is related to the code in the information.

For these reasons, the rejections based on Kopp et al in view of Redford et al have been maintained.

### **Conclusion**

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kevin M. Nguyen** whose telephone number is **703-305-6209**. The examiner can normally be reached on MON-THU from 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard A Hjerpe** can be reached on **703-305-4709**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Kevin M. Nguyen  
Examiner  
Art Unit 2674



RICHARD HJERPE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600